

AMENDED IN SENATE APRIL 2, 1998

**SENATE BILL**

**No. 1976**

**Introduced by Senator Mountjoy**

February 19, 1998

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An act to amend Section 4536 of the Penal Code, and to amend Sections 6600.05, 6601, 6602, 6603, ~~and 6609.1~~ 6609.1, 6609.2, and 6609.3 of the Welfare and Institutions Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 1976, as amended, Mountjoy. Sexually violent predators.

(1) Existing law provides that every person committed to a public or private mental health facility as a mentally disordered sex offender, who escapes from or who escapes while being conveyed to or from that mental health facility, is punishable by imprisonment in the state prison or in the county jail not to exceed one year.

This bill would make this provision applicable as well to those persons committed to a mental health facility as a sexually violent predator *and would require the medical director or person in charge of the facility to promptly notify either the Department of Corrections Sexually Violent Predator Parole Coordinator or local law enforcement officials upon the escape.* By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(2) *Existing law provides that Atascadero State Hospital shall be used whenever a person is committed to a secure*

*facility for mental health treatment as a sex offender and is placed in a state hospital under the direction of the State Department of Mental Health.*

*This bill would provide that Atascadero State Hospital shall be used for this purpose only until a permanent housing and treatment facility is available, and would require the Director of the State Department of Mental Health to locate, in conjunction with the Director of Corrections, a site for a permanent facility. The bill would direct the State Department of Mental Health to operate this facility, either directly or by contract, and would provide that, absent direct authorization by the Legislature, only mentally disordered sex offenders shall be treated therein.*

(3) Under existing law, whenever the Director of Corrections determines that an individual who is in custody, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director is required to refer the person for evaluation by the State Department of Mental Health, as specified. If the State Department of Mental Health determines that the person is a sexually violent predator, the Director of Mental Health is required to forward a request for a petition to be filed for commitment to the county in which the person was convicted of the offense for which the person was committed to the jurisdiction of the Department of Corrections. Copies of the evaluation reports are required to be made available to the county-designated attorney who may file a petition for commitment.

This bill would provide that the county-designated attorney shall notify the State Department of Mental Health of its decision regarding the filing of a petition for commitment within 30 days of the receipt from the department of the request for a petition for commitment.

~~(3)~~

(4) Existing law provides that a judge of the superior court shall review the petition for commitment and determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release.



This bill would require the court to notify the State Department of Mental Health of the outcome of the probable cause hearing by forwarding to the department a copy of the minute order of the court within 15 days of the decision.

~~(4)~~

(5) Existing law provides that a person subject to commitment as a sexually violent predator is entitled to specified rights, including a trial by jury.

This bill would provide that the court shall notify the State Department of Mental Health of the outcome of the trial by forwarding to the department a copy of the minute order of the court within 72 hours of the decision.

~~(5)~~

(6) Existing law provides that if the court orders the immediate release of a sexually violent predator, the State Department of Mental Health shall notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person is scheduled to be released at the time of release.

~~This bill would impose this notification duty on the court instead of the State Department of Mental Health instead provide that when the department makes any recommendation to the court concerning either the release or commitment of a sexually violent predator, it shall, at least 15 days in advance of making its recommendation, notify specified local law enforcement officials (1) where the person may be released, (2) where the person last resided or, (3) in the county which filed for the person's civil commitment. The bill would also require notification of the Department of Corrections Sexually Violent Predator Parole Coordinator, as specified.~~

(7) Existing law authorizes a sheriff or chief of police to notify appropriate persons upon the impending release of a sexually violent predator.

*This bill would expand this authorization to allow for notification to appropriate persons of the disposition of a sexually violent predator upon notice from the State Department of Mental Health of its recommendation to the court in connection with a commitment hearing.*

(8) Existing law authorizes a sheriff or chief of police to notify requesting parties of the impending release of a sexually violent predator, but allows disclosure of the community in which the person will be placed only if it is (1) in the county of a requesting witness, victim, or family member, or (2) within 25 miles of the actual residence of a requesting witness, victim, or family member.

This bill would provide that any person requesting notice shall be informed of the identity of the court considering the conditional release, recommitment hearing, or review of commitment status. The bill would also allow victims, witnesses, and family members who request notification to be informed of the community where the person is scheduled to be placed if their actual residence is within 100 miles of that community.

~~(6)~~

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4536 of the Penal Code is  
 2 amended to read:  
 3 4536. (a) Every person committed to a state hospital  
 4 or other public or private mental health facility as a  
 5 mentally disordered sex offender, or under the provisions  
 6 of Article 4 (commencing with Section 6600) of Chapter  
 7 2 of Part 2 of the Welfare and Institutions Code, who  
 8 escapes from or who escapes while being conveyed to or  
 9 from ~~such~~ a state hospital or other public or private  
 10 mental health facility, is punishable by imprisonment in  
 11 the state prison or in the county jail not to exceed one  
 12 year. The term imposed pursuant to this section shall be

1 served consecutively to any other sentence or  
2 commitment.

3 (b) The medical director or person in charge of a state  
4 hospital or other public or private mental health facility  
5 to which a person has been committed as a mentally  
6 disordered sex offender ~~shall promptly notify, or under~~  
7 ~~the provisions of Article 4 (commencing with Section~~  
8 ~~6600) of Chapter 2 of Part 2 of the Welfare and~~  
9 ~~Institutions Code, shall promptly notify the Department~~  
10 ~~of Corrections' Sexually Violent Predator parole~~  
11 ~~coordinator, the chief of police of the city in which the~~  
12 ~~hospital or facility is located, or the sheriff of the county~~  
13 ~~if the hospital or facility is located in an unincorporated~~  
14 ~~area, of the escape of the person, and shall request the~~  
15 ~~assistance of the chief of police or sheriff in apprehending~~  
16 ~~the person, and shall, within 48 hours of the escape of the~~  
17 ~~person, orally notify the court that made the~~  
18 ~~commitment, the prosecutor in the case, and the~~  
19 ~~Department of Justice of the escape.~~

20 SEC. 1.5. Section 6600.05 of the Welfare and  
21 Institutions Code is amended to read:

22 6600.05. (a) Until a permanent housing and  
23 treatment facility is available, Atascadero State Hospital  
24 shall be used whenever a person is committed to a secure  
25 facility for mental health treatment pursuant to ~~Section~~  
26 ~~6600 this article~~ and is placed in a state hospital under the  
27 direction of the State Department of Mental Health  
28 unless there are unique circumstances that would  
29 preclude the placement of a person at that facility. If a  
30 state hospital is not used, the facility to be used shall be  
31 located on a site or sites determined by the Director of  
32 Corrections and the Director of Mental Health. In no case  
33 shall a person committed to a secure facility for mental  
34 health treatment pursuant to ~~Section 6600 this article~~ be  
35 placed at Metropolitan State Hospital or Napa State  
36 Hospital.

37 (b) A permanent facility for the housing and  
38 treatment of persons committed pursuant to this article  
39 shall be located on a site or sites determined by the  
40 Director of Corrections and the Director of Mental

1 *Health. The State Department of Mental Health shall be*  
2 *responsible for operation of the facility, including the*  
3 *provision of treatment directly, or indirectly by contract.*  
4 *In no event shall any persons other than those placed*  
5 *pursuant to this article be housed or treated at a facility*  
6 *established pursuant to this subdivision unless expressly*  
7 *authorized by the Legislature.*

8 SEC. 2. Section 6601 of the Welfare and Institutions  
9 Code is amended to read:

10 6601. (a) Whenever the Director of Corrections  
11 determines that an individual who is in custody under the  
12 jurisdiction of the Department of Corrections, and who  
13 is either serving a determinate prison sentence or whose  
14 parole has been revoked, may be a sexually violent  
15 predator, the director shall, at least six months prior to  
16 that individual's scheduled date for release from prison,  
17 refer the person for evaluation in accordance with this  
18 section. However, if the inmate was received by the  
19 department with less than nine months of his or her  
20 sentence to serve, or if the inmate's release date is  
21 modified by judicial or administrative action, the director  
22 may refer the person for evaluation in accordance with  
23 this section at a date that is less than six months prior to  
24 the inmate's scheduled release date.

25 (b) The person shall be screened by the Department  
26 of Corrections and the Board of Prison Terms based on  
27 whether the person has committed a sexually violent  
28 predatory offense and on a review of the person's social,  
29 criminal, and institutional history. This screening shall be  
30 conducted in accordance with a structured screening  
31 instrument developed and updated by the State  
32 Department of Mental Health in consultation with the  
33 Department of Corrections. If as a result of this screening  
34 it is determined that the person is likely to be a sexually  
35 violent predator, the Department of Corrections shall  
36 refer the person to the State Department of Mental  
37 Health for a full evaluation of whether the person meets  
38 the criteria in Section 6600.

39 (c) The State Department of Mental Health shall  
40 evaluate the person in accordance with a standardized

1 assessment protocol, developed and updated by the State  
2 Department of Mental Health, to determine whether the  
3 person is a sexually violent predator as defined in this  
4 article. The standardized assessment protocol shall  
5 require assessment of diagnosable mental disorders, as  
6 well as various factors known to be associated with the  
7 risk of reoffense among sex offenders. Risk factors to be  
8 considered shall include criminal and psychosexual  
9 history, type, degree, and duration of sexual deviance,  
10 and severity of mental disorder.

11 (d) Pursuant to subdivision (c), the person shall be  
12 evaluated by two practicing psychiatrists or  
13 psychologists, or one practicing psychiatrist and one  
14 practicing psychologist, designated by the Director of  
15 Mental Health. If both evaluators concur that the person  
16 has a diagnosed mental disorder—~~such~~ so that he or she is  
17 likely to engage in acts of sexual violence without  
18 appropriate treatment and custody, the Director of  
19 Mental Health shall forward a request for a petition for  
20 commitment under Section 6602 to the county  
21 designated in subdivision (i). Copies of the evaluation  
22 reports and any other supporting documents shall be  
23 made available to the attorney designated by the county  
24 pursuant to subdivision (i) who may file a petition for  
25 commitment.

26 (e) If one of the professionals performing the  
27 evaluation pursuant to subdivision (d) does not concur  
28 that the person meets the criteria specified in subdivision  
29 (d), but the other professional concludes that the person  
30 meets those criteria, the Director of Mental Health shall  
31 arrange for further examination of the person by two  
32 independent professionals selected in accordance with  
33 subdivision (g).

34 (f) If an examination by independent professionals  
35 pursuant to subdivision (e) is conducted, a petition to  
36 request commitment under this article shall only be filed  
37 if both independent professionals who evaluate the  
38 person pursuant to subdivision (e) concur that the person  
39 meets the criteria for commitment specified in  
40 subdivision (d). The professionals selected to evaluate

1 the person pursuant to subdivision (g) shall inform the  
2 person that the purpose of their examination is not  
3 treatment but to determine if the person meets certain  
4 criteria to be involuntarily committed pursuant to this  
5 article. It is not required that the person appreciate or  
6 understand that information.

7 (g) Any independent professional who is designated  
8 by the Director of Corrections or the Director of Mental  
9 Health for purposes of this section shall not be a state  
10 government employee, shall have at least five years of  
11 experience in the diagnosis and treatment of mental  
12 disorders, and shall include psychiatrists and licensed  
13 psychologists who have a doctoral degree in psychology.  
14 The requirements set forth in this section also shall apply  
15 to any professionals appointed by the court to evaluate  
16 the person for purposes of any other proceedings under  
17 this article.

18 (h) If the State Department of Mental Health  
19 determines that the person is a sexually violent predator  
20 as defined in this article, the Director of Mental Health  
21 shall forward a request for a petition to be filed for  
22 commitment under this article to the county designated  
23 in subdivision (i). Copies of the evaluation reports and  
24 any other supporting documents shall be made available  
25 to the attorney designated by the county pursuant to  
26 subdivision (i) who may file a petition for commitment  
27 in the superior court.

28 (i) If the county's designated counsel concurs with the  
29 recommendation, a petition for commitment shall be  
30 filed in the superior court of the county in which the  
31 person was convicted of the offense for which he or she  
32 was committed to the jurisdiction of the Department of  
33 Corrections. The petition shall be filed, and the  
34 proceedings shall be handled, by either the district  
35 attorney or the county counsel of that county. The county  
36 board of supervisors shall designate either the district  
37 attorney or the county counsel to assume responsibility  
38 for proceedings under this article.

39 (j) The time limits set forth in this section shall not  
40 apply during the first year that this article is operative.



(k) If the person is otherwise subject to parole, a finding or placement made pursuant to this article shall not toll, discharge, or otherwise affect the term of parole pursuant to Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.

(l) Pursuant to subdivision (d), the attorney designated by the county pursuant to subdivision (i) shall notify the State Department of Mental Health of its decision regarding the filing of a petition for commitment within 30 days of the receipt from the department of the request for a petition for commitment.

SEC. 3. Section 6602 of the Welfare and Institutions Code is amended to read:

6602. (a) A judge of the superior court shall review the petition and shall determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. The person named in the petition shall be entitled to assistance of counsel at the probable cause hearing. If the judge determines there is not probable cause, he or she shall dismiss the petition and any person subject to parole shall report to parole. If the judge determines that there is probable cause, the judge shall order that the person remain in custody in a secure facility until a trial is completed and shall order that a trial be conducted to determine whether the person is, by reason of a diagnosed mental disorder, a danger to the health and safety of others in that the person is likely to engage in acts of sexual violence upon his or her release from the jurisdiction of the Department of Corrections or other secure facility.

(b) The court shall notify the State Department of Mental Health of the outcome of the probable cause hearing by forwarding to the department a copy of the minute order of the court within 15 days of the decision.

SEC. 4. Section 6603 of the Welfare and Institutions Code is amended to read:

6603. (a) A person subject to this article shall be entitled to a trial by jury, the assistance of counsel, the

1 right to retain experts or professional persons to perform  
2 an examination on his or her behalf, and have access to all  
3 relevant medical and psychological records and reports.  
4 In the case of a person who is indigent, the court shall  
5 appoint counsel to assist him or her, and, upon the  
6 person's request, assist the person in obtaining an expert  
7 or professional person to perform an examination or  
8 participate in the trial on the person's behalf.

9 (b) The attorney petitioning for commitment under  
10 this article shall have the right to demand that the trial be  
11 before a jury.

12 (c) If no demand is made by the person subject to this  
13 article or the petitioning attorney, the trial shall be before  
14 the court without jury.

15 (d) A unanimous verdict shall be required in any jury  
16 trial.

17 (e) The court shall notify the State Department of  
18 Mental Health of the outcome of the trial by forwarding  
19 to the department a copy of the minute order of the court  
20 within 72 hours of the decision.

21 SEC. 5. Section 6609.1 of the Welfare and Institutions  
22 Code is amended to read:

23 6609.1. (a) ~~When any person committed as a sexually~~  
24 ~~violent predator is going to be unconditionally released,~~  
25 the State Department of Mental Health *makes a*  
26 *recommendation to the court for community outpatient*  
27 *treatment for any person committed as a sexually violent*  
28 *predator, it shall notify the sheriff or chief of police, or*  
29 *both, and the district attorney, who has or the county's*  
30 *designated counsel, that have jurisdiction over the*  
31 *community in which the person is scheduled to be*  
32 *released. Except as provided in subdivision (b), the*  
33 *following locations:*

34 (1) *The community in which the person may be*  
35 *released for community outpatient treatment.*

36 (2) *The community in which the person maintained*  
37 *their last legal residence as defined by Section 3003 of the*  
38 *Penal Code.*

39 (3) *The county which filed for the person's civil*  
40 *commitment pursuant to this article.*

1 The department shall also notify the Department of  
2 Corrections' Sexually Violent Predator Parole  
3 Coordinator, if the person is otherwise subject to parole  
4 pursuant to Article 1 (commencing with Section 3000) of  
5 Chapter 8 of Title 1 of Part 3 of the Penal Code.

6 The notice shall be given at least 15 days prior to the  
7 ~~scheduled release date and shall include the name of the~~  
8 ~~person who is scheduled to be released, whether or not~~  
9 ~~the person is required to register with law enforcement,~~  
10 ~~and the community in which the person will reside.~~

11 ~~(b) When a person committed as a sexually violent~~  
12 ~~predator is scheduled to be released to a county other~~  
13 ~~than the county from which he or she was committed, the~~  
14 ~~State Department of Mental Health shall provide written~~  
15 ~~department's submission of its recommendation to the~~  
16 ~~court.~~

17 (b) When the State Department of Mental Health  
18 makes a recommendation to pursue recommitment, a  
19 recommendation not to pursue recommitment, or seeks  
20 a judicial review of commitment status pursuant to  
21 subdivision (f) of Section 6605, of any person committed  
22 as a sexually violent predator, it shall provide written  
23 notice of that ~~release action to the sheriff or police chief~~  
24 ~~chief of police, or both, and to the district attorney, who~~  
25 ~~has that have jurisdiction over the community in which~~  
26 ~~the inmate is scheduled to be released.~~ following  
27 locations:

28 (1) The community in which the person maintained  
29 their last legal residence as defined by Section 3003 of the  
30 Penal Code.

31 (2) The probable community in which the person will  
32 be released, if recommending not to pursue  
33 recommitment.

34 (3) The county which filed for the person's civil  
35 commitment pursuant to this article.

36 The State Department of Mental Health shall also  
37 notify the Department of Corrections' Sexually Violent  
38 Predator Parole Coordinator, if the person is otherwise  
39 subject to parole pursuant to Article 1 (commencing with  
40 Section 3000) of Chapter 8 of Title 1 of the Penal Code.

1 The notice shall be made at least ~~45~~ 15 days prior to the  
2 scheduled release date and shall include the name of the  
3 person who is scheduled to be released, whether or not  
4 the person is required to register with local law  
5 enforcement, and the community in which the person  
6 will reside. to the department's submission of its  
7 recommendation to the court.

8 Those agencies receiving the notice referred to in this  
9 subdivision shall have 15 days from receipt of the notice  
10 to provide written comment to the department  
11 regarding the impending release. Those comments shall  
12 be considered by the department, which may modify its  
13 decision regarding the community in which the person is  
14 scheduled to be released, based on those comments.

15 (c) If the court orders the ~~immediate~~ release of a  
16 sexually violent predator, the ~~court~~ county's designated  
17 counsel who filed the commitment petition shall notify  
18 the State Department of Mental Health, and shall notify  
19 the sheriff or chief of police, or both, and the district  
20 attorney, ~~who has that~~ have jurisdiction over the  
21 community in which the person is scheduled to be  
22 released at the time of release. following locations:

23 (1) The community in which the person is to be  
24 released.

25 (2) The community in which the person maintained  
26 their last legal residence as defined in Section 3003 of the  
27 Penal Code.

28 The county's designated counsel shall also notify the  
29 Department of Corrections' Sexually Violent Predator  
30 Parole Coordinator, if the person is otherwise subject to  
31 parole pursuant to Article 1 (commencing with Section  
32 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.

33 (d) At least 72 hours prior to any action to otherwise  
34 release from custody any person referred for civil  
35 commitment pursuant to this article, or any person  
36 committed as a sexually violent predator pursuant to this  
37 article, notice of this release shall be provided to the  
38 Department of Corrections' Sexually Violent Predator  
39 Parole Coordinator, if the person is otherwise subject to  
40 parole pursuant to Article 1 (commencing with Section

1 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.  
2 The notice shall be provided by the county's designated  
3 counsel.

4 (e) The notice required by this section shall be made  
5 whether or not a request has been made pursuant to  
6 Section 6609.

7 ~~(e)–~~

8 (f) The time limits imposed by this section are not  
9 applicable where the release date of a sexually violent  
10 predator has been advanced by a judicial or  
11 administrative process or procedure that could not have  
12 reasonably been anticipated by the State Department of  
13 Mental Health and where, as the result of the time  
14 adjustments, there is less than 30 days remaining on the  
15 commitment before the inmate's release, but notice shall  
16 be given as soon as practicable. In no case shall notice  
17 required by this section to the appropriate agency be  
18 later than the day of release. ~~If, after the 45-day notice is~~  
19 ~~given to law enforcement and to the district attorney~~  
20 ~~relating to an out-of-county placement, there is change of~~  
21 ~~county placement, notice to the ultimate county of~~  
22 ~~placement shall be made upon the determination of the~~  
23 ~~county of placement.~~

24 SEC. 6. *Section 6609.2 of the Welfare and Institutions*  
25 *Code is amended to read:*

26 6609.2. (a) When any sheriff or chief of police is  
27 ~~notified of the pending release of a person committed as~~  
28 ~~by the State Department of Mental Health of its~~  
29 ~~recommendation to the court concerning the disposition~~  
30 ~~of a sexually violent predator pursuant to subdivision (a)~~  
31 ~~or (b) of Section 6609.1,~~ that sheriff or chief of police may  
32 notify any person designated by the sheriff or chief of  
33 police as an appropriate recipient of the notice.

34 (b) A law enforcement official authorized to provide  
35 notice pursuant to this section, and the public agency or  
36 entity employing the law enforcement official, shall not  
37 be liable for providing or failing to provide notice  
38 pursuant to this section.

39 SEC. 7. *Section 6609.3 of the Welfare and Institutions*  
40 *Code is amended to read:*

1 6609.3. (a) At the time a notice is sent pursuant to  
2 subdivision (a) of Section 6609.1, the sheriff, chief of  
3 police, or district attorney notified of the release shall also  
4 send a notice to persons described in Section 679.03 of the  
5 Penal Code who have requested a notice, informing those  
6 persons of the fact that the person who committed the  
7 sexually violent offense ~~is scheduled to~~ may be released  
8 ~~and specifying the proposed date of release.~~ Notice  
9 *together with information identifying the court that will*  
10 *consider the conditional release, recommendation*  
11 *regarding recommitment, or review of commitment*  
12 *status pursuant to subdivision (f) of Section 6605. When*  
13 *a person is approved by the court to be conditionally*  
14 *released, notice of the community in which the person is*  
15 *scheduled to reside shall also be given only if it is (1) in*  
16 *the county of residence of a witness, victim, or family*  
17 *member of a victim who has requested notice, or (2)*  
18 *within 25 100 miles of the actual residence of a witness,*  
19 *victim, or family member of a victim who has requested*  
20 *notice. If, after providing the witness, victim, or next of*  
21 *kin with the notice, there is any change in the release date*  
22 *or the community in which the person is to reside, the*  
23 ~~board~~ *sheriff, chief of police, or the district attorney shall*  
24 *provide the witness, victim, or next of kin with the revised*  
25 *information.*

26 (b) *At the time a notice is sent pursuant to subdivision*  
27 *(c) of Section 6609.1 the district attorney so notified shall*  
28 *also send a notice to persons described in Section 679.03*  
29 *of the Penal Code who have requested a notice informing*  
30 *those persons of the fact the person who committed the*  
31 *sexually violent offense has been released.*

32 (c) In order to be entitled to receive the notice set  
33 forth in this section, the requesting party shall keep the  
34 sheriff, chief of police, and district attorney who were  
35 notified under Section 679.03 of the Penal Code, informed  
36 of his or her current mailing address.

37 SEC. 8. *No reimbursement is required by this act*  
38 *pursuant to Section 6 of Article XIII B of the California*  
39 *Constitution because the only costs that may be incurred*  
40 *by a local agency or school district will be incurred*

1 *because this act creates a new crime or infraction,*  
2 *eliminates a crime or infraction, or changes the penalty*  
3 *for a crime or infraction, within the meaning of Section*  
4 *17556 of the Government Code, or changes the definition*  
5 *of a crime within the meaning of Section 6 of Article*  
6 *XIII B of the California Constitution.*

7 *Notwithstanding Section 17580 of the Government*  
8 *Code, unless otherwise specified, the provisions of this act*  
9 *shall become operative on the same date that the act*  
10 *takes effect pursuant to the California Constitution.*

